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PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OVIATE A DOUBLE
PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
009270-0306173

In re Application of: **KATSUO IMAZUKA**Application No.: **10/679,274**Filed: **October 7, 2003**For: **GATE SYSTEM**

The owner*, **KABUSHIKI KAISHA TOSHIBA**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. **6,450,404** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

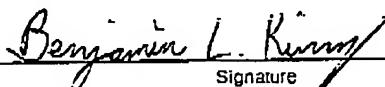
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- has all claims canceled by a reexamination certificate;
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No.



Signature

January 24, 2005

Date

Benjamin L. Kiersz, Reg. No. 51875

Typed or printed name

(703) 905.2114

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: KABUSHIKI KAISHA TOSHIBAApplication No./Patent No.: 10/679,274 Filed/Issue Date: October 7, 2003Entitled: GATE SYSTEMKABUSHIKI KAISHA TOSHIBA

(Name of Assignee)

Corporation(Type of Assignee, e.g., corporation, partnership, university, government agency,
etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or2. an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest _____ %

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014590, Frame 0120, or for which a copy thereof is attached.**OR**B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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 [NOTE: A separate copy (i.e., a true copy of the original assignment document(s) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Benjamin L. Kiersz

Signature

Benjamin J. Kiersz

Typed or printed name

Attorney of Record

Title

January 24, 2005

Date

703-905-2114

Telephone number

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